

**City of Warwick Planning Board
Meeting Minutes**

Wednesday, August 13, 2008

Members Present: John J. Mulhearn Jr.
Michael Constantine
Cynthia Gerlach
Vincent Gambardella
Thomas Kiernan
Rick Robinson
James Desmarais

Members Absent: Philip Slocum

Also in attendance: Patricia Reynolds, Business Development Planner
Peter Ruggiero, Solicitor
John DeLucia, City Engineer
Eric Hindinger, Assistant City Engineer

The meeting was called to order at 6:05 P.M.

On the motion of Mr. Gambardella, seconded by Mr. Robinson, the Planning Board voted six in favor with Mr. Mulhearn abstaining, to approve the June 2008 meeting minutes.

Public Hearing

Major Subdivision

Watson Plat

Applicant: Donald E. Watson
Location: 126 Woodbine Avenue
Assessor's Plat: 373
Lot(s): 88, 90 & 92
Zoning District: Residential A-15
Land Area: 30,000 square feet
Number of lots: 2
Engineer: Caito Corporation
Ward: 6

Board member Robinson stated that he would recuse himself from this agenda item because he lives in the neighborhood.

Attorney Lisa Waggoner represented the applicant and was requesting preliminary approval to subdivide three lots with an existing single family dwelling to create two new lots; one conforming lot with an existing single family dwelling and one nonconforming lot with less than the required area in a Residential A-15 zoning district.

Ms. Waggoner reminded the Planning Board that it had granted a conditional master plan approval in August 2007, that the Zoning Board of Review granted its approval in February 2008 and that the applicant was now requesting preliminary approval.

Being no public comment or questions the Planning Board closed the public hearing and heard the Planning Department's findings and recommendation.

The Planning Department found the proposal to be generally consistent with Article 1 "Purposes and General Statements" of the City's Development Review Regulations and

- 1) Generally consistent with the Comprehensive Community Plan.
- 2) In compliance with the standards and provisions of the City's Zoning Ordinance having received Zoning Board of Review approval, Petition #9611, to create an undersized lot for development.
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- 5) That the proposed development possesses adequate access to a public street.

Planning Department recommendation was to grant Preliminary Approval with Final Approval to be through the Administrative Officer, with the following stipulations:

- 1) That the applicant shall record a deed restriction which prohibits the creation any additional lots from Lot 1, as a condition of the subdivision.
- 2) That the existing dwelling and the proposed new dwelling shall be connected to the Warwick Sewer System, prior to issuance of a Certificate of Occupancy (CO).

On the motion of Mr. Constantine, seconded by Mr. Gambardella, the Planning Board voted six in favor with Mr. Robinson recusing, to formally adopt the Planning Department's findings and grant Preliminary Approval with Final Approval to be through the Administrative Officer, upon compliance with the Planning Department's recommended stipulations.

Public Hearing

Major Land Development Project

DeFelice Center, Multifamily and Office

Applicant: 3960 Post Road, LLC
Location: 3960 Post Road
Assessor's Plat: 235
Lot(s): 017
Zoning District: Office
Land Area: 1.41 acres
Number of lots: 1
Engineer: Hudson Place Associates
Ward: 9

Mr. Peter Alviti, P.E. represented the applicant and was requesting preliminary approval of a Major Land Development Project to construct a new six unit residential building on a lot with an existing four unit residential building and an office, for a total of ten residential units and one office.

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Mr. Alviti explained that the Planning Board had granted a conditional master plan approval, that the Zoning Board of Review granted a Special Use Permit authorizing the multi-family use for the property and that CRMC, RIDEM and the Warwick Sewer Authority had also approved the project.

Mr. Alviti explained that the site plan was the same plan submitted for the master plan and Zoning Board approvals except the new plan incorporates the comments from the regulatory agencies. Mr. Alviti then asked for an exception to the approved plan to add six new indoor parking spaces in exchange for eliminating six outdoor spaces and adding landscaping to the property.

The Planning Staff informed the Board that because the applicant was not asking to increase a dimensional aspect of an approved plan but to reduce dimension that the Planning Board could authorize the revised parking plan.

Being no public comment or questions the Planning Board closed the public hearing and heard the Planning Department's findings and recommendation.

The Planning Department found the proposal to be generally consistent with Article 1 "Purposes and General Statements" of the City's Development Review Regulations and

- 1) Generally consistent with the Comprehensive Community Plan.
- 2) In compliance with the standards and provisions of the City's Zoning Ordinance having received a Special Use Permit, Petition #9563, from the Zoning Board of Review.

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- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- 5) That the proposed development possesses adequate access to a public street.

Planning Department recommendation was to grant Preliminary Approval with Final Approval to be through the Administrative Officer upon compliance with the following stipulations:

- 1) That the project engineer shall submit a revised site plan to show the parking layout in substantial compliance with Zoning Board of Review approved plan prior to final approval.
- 2) That the project engineer shall label parking area as “crushed stone” and indicate a bearing of one property line, on the final plan.
- 3) The project engineer shall indicate on the final plan a backflow preventer for all sewer connections and modify the sewer cover detail per WSA specifications.

On the motion of Mr. Desmarais, seconded by Mr. Constantine, the Planning Board voted unanimously to formally adopt the Planning Department’s findings and grant Preliminary Approval with Final Approval to be through the Administrative Officer, upon compliance with the Planning Department’s recommended stipulations.

Public Hearing

Major Land Development Project

Roy Medical Office Building

Applicant: Joan and Louis Roy
Location: Tollgate Road
Assessor’s Plat: 246
Lot(s): 237
Zoning District: Office, with variances
Land Area: 48,289 square feet
Number of lots: 1
Engineer: Gregory J. Souza, PE
Ward: 8

Gregory J. Souza, P.E. represented the applicant and was requesting preliminary approval of a Major Land Development Project for the construction of a new 12,987 square foot medical office building with less than required building setback and less than required landscape buffer from an

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abutting residential district on a lot zoned Office.

Mr. Souza explained that the project received master plan approval in September 2007 and a City Council Zone Change in December 2007. Mr. Souza further explained that the project had also received RIDEM wetlands approval and a DEM Underground Injection Control (UIC) permit for the drainage system which will be contained fully underground.

Mr. Souza informed the Planning Board that the preliminary plan meets all of the master plan approval stipulations.

Chairman Mulhearn informed the property owner (Mr. Roy) that an abutting property owner Dr. Nisbet had written an objection to the project expressing concerns about setbacks of the building and landscaping.

Chairman Mulhearn then asked Mr. Roy if he had spoken with Dr. Nisbet.

Mr. Roy explained that he had met with Mrs. Nisbet earlier in the week to discuss her concerns and that he had offered to screen and landscape the abutting residential property. He stated that he thought Mrs. Nisbet was satisfied and he was surprised that a letter had been submitted.

Board member Desmarais asked if Mr. Roy's conversation was the result of the neighbor's concerns about the project.

Chairman Mulhearn explained that the Nisbet's appeared before the Planning Board at the master plan hearing and expressed their concerns at that time.

Mr. Derek Anderson of 2 Gilbert Street inquired about the height of the building and asked if it would conform to the zoning requirements.

Mr. Souza responded that the building had not been formally designed but that the building would conform to the City's zoning requirements.

Being no further public comment or questions the Planning Board closed the public hearing and heard the Planning Department's findings and recommendation.

The Planning Department found the proposal to be generally consistent with Article 1 "Purposes and General Statements" of the City's Development Review Regulations and

- 1) Generally consistent with the Comprehensive Community Plan.
- 2) In compliance with the standards and provisions of the City's Zoning Ordinance having received a City Council Zone Change, PCO-44-07 Amended, from Residential A-10 and Office to Office, with less than required building setback and less than required landscape buffer from an abutting residential district.

- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- 5) That the proposed development possesses adequate access to a public street.

Planning Department recommendation was to grant Preliminary Approval with Final Approval to be through the Administrative Officer, upon compliance with the following stipulations:

- 1) That the project engineer shall indicate on the final plan the location of the existing 30" City of Warwick water main in the southerly travel lane of Toll Gate Road. Please note that the proposed development is serviced by the Kent County Water Authority and the applicant should be aware of the presence of an existing 36" transmission main prior to commencing any excavation.
- 2) That the applicant shall submit an Inflow & Infiltration (I&I) fee to the Warwick Sewer Authority, prior to obtaining a building permit.
- 3) That the applicant shall submit a revised landscape plan to be approved by the Warwick Landscape Project Coordinator, prior to Final Approval.

On the motion of Mr. Kiernan, seconded by Mr. Gambardella and Mr. Constantine, the Planning Board voted unanimously to formally adopt the Planning Department's findings and grant Preliminary Approval with Final Approval to be through the Administrative Officer, upon compliance with the Planning Department's recommended stipulations.

Public Meeting

Request for a Zone Change

Applicant:	Kensington Corporation
Location:	Atlantic Avenue and Warwick Avenue
Assessor's Plat:	294
Assessor's Lot(s):	155, 156, and 157
Zoning District:	Residential A-7
Proposed Zoning:	General Business

Attorney K. Joseph Shekarchi represented the applicant and was requesting a zone change from Residential, A-7 to General Business (GB) in order to combine the property with the abutting General Business properties (AP: 294, AL: 158 and 159, AP: 293, AL: 44) to establish a commercial use.

Attorney Shekarchi informed the Planning Board that the property owner was requesting the

hearing to be continued and that his client (Kensington Corp.) had already postponed the hearing in June.

Chairman Mulhearn acknowledged that the property owner's attorney, Michael Robinson, submitted a letter requesting that the item be removed from the agenda.

Attorney Shekarchi submitted a faxed letter (Exhibit 1) for the record which stated that Attorney Robinson was on vacation and would contact him upon his return on August 18, 2008.

Attorney Shekarchi then began his presentation requesting the zone change. Mr. Shekarchi explained that his client intended to rezone the property from residential to commercial in order to build a new commercial building on the property. The attorney argued that much of the property in the general area was zoned commercial and was being utilized for general business uses including a CVS, Wendy's, Auto Zone, a package store and general office uses.

The attorney further argued that the proposed commercial development would expand the city's tax base, create jobs, require only limited services and would not add children to the school system.

Attorney Shekarchi concluded by informing the Planning Board that the property needed to be rezoned to General Business because of a setback issue from the abutting residential zoning district.

Board member Gerlach asked what the zoning was across the street.

Mr. Shekarchi explained that the property was zoned General Business and that there was a Wendy's and a CVS across the street.

Board member Desmarais asked what the abutting property heading down Atlantic Avenue was zoned.

Mr. Shekarchi responded that the property was zoned Residential.

Ms. Michelle Komar of the Warwick Comprehensive Plan Update Committee concurred with the Planning Department's findings and recommendation and stated that she was also opposed to the proposed zone change.

Being no further questions or comment the Planning Board then heard the Planning Department's findings and recommendation.

The Planning Department found the proposed zone change **NOT** in compliance with the City's Comprehensive Plan, specifically the Land Use Element, Natural Resources Element, and the Economic Development Element. The proposal is requesting rezoning of a sensitive wetland area to General Business for the purpose of commercial development.

The Planning Department also finds the proposed zoning amendment **NOT** to be generally

consistent with the following purposes of the City's Zoning Ordinance, as presented in Section 100, "Title and Purpose."

103.3 Does not provide for orderly growth and development, which recognizes:

- B.) The natural characteristics of the land, including its suitability for use based on the soil characteristics and topography, and susceptibility to surface or ground water pollution.
- C.) The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands;
- D.) The values of unique or valuable natural resources and features;

103.4 Does not provide for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.

103.5 Does not provide for the protection of the natural, historic, cultural, and scenic character of the city or areas therein.

The Planning Department recommended an unfavorable recommendation to the Warwick City Council for the requested zone change from Residential to General Business because the proposal is requesting rezoning of sensitive wetlands for commercial development.

On the motion of Mr. Constantine, seconded by Mr. Robinson, the Planning Board voted unanimously to formally adopt the Planning Department's findings and forward an unfavorable recommendation to the Warwick City Council for the requested zone change.

Public Meeting

Request for a Zone Change

Applicant:	Happy Mill LLC
Location:	334 Knight Street
Assessor's Plat:	274
Assessor's Lot(s):	180 and 204
Zoning District:	Office, with PUD Overlay
Proposed Zoning:	Modify existing zone change to include billboard signage use

Attorney Jennifer Cervenka represented the applicant and was requesting a modification to an existing zone change, PCO-73-2000 Amended, to include billboard signage use. Ms. Cervenka informed the Planning Board that the applicant, NYLO, desired to place its sign on an existing water tower which also houses a telecommunications facility with antenna. The attorney also told the board that the proposed signage would not affect the existing telecommunications facility as it currently exists.

Attorney Cervenka expressed her desire to make clear that the proposed zoning amendment is

not intended to eliminate any uses that have been authorized under the previous zone changes for the property. Ms. Cervenka stated that the desire was to authorize an additional use (a billboard sign) on the property and to retain all previously approved uses.

Board member Kiernan asked how the Planning Department made the finding that the proposed sign contributes to the historic character of the property.

Ms. Trish Reynolds, Business Development Planner, explained that the proposed sign was reviewed by the City's Historic District Commission and that they approved the sign making the determination that the proposed sign was in character with the redevelopment of the Pontiac Mill Complex.

Board member Gerlach suggested that the Planning Board include a stipulation requiring the lighting to be focused on the sign and to prevent light from shedding into the sky.

Being no further questions or comment the Planning Board then heard the Planning Department's findings and recommendation.

The Planning Department found the proposed zone change to be in compliance with the City's Comprehensive Plan, including the Goals and Policies Statement, the Implementation Program, the Land Use Element, and the Economic Development Element.

The Planning Department also finds the proposed zoning amendment to be generally consistent with the following purposes of the City's Zoning Ordinance, as presented in Section 100, "Title and Purpose."

103.1 Promote the public health, safety and general welfare of the City.

103.2 Provides for a range of uses and intensities of use appropriate to the character of the City and reflect current and future needs.

103.3 Provides for orderly growth and development, which recognizes:

- A.) The goals and patterns of land use contained in the Comprehensive Plan of the City of Warwick.
- E.) The availability and capacity of existing and planned public and/or private services and facilities.
- F.) The need to shape and balance urban and suburban development.

103.5 Provides for the protection of the natural, historic, cultural, and scenic character of the city or areas therein.

103.10 Promotes a high level of quality in design in the development of private and public facilities.

The Planning Department recommends a positive recommendation to the Warwick City Council

for the requested zone change amendment to include billboard signage use with the stipulation that the lighting shall be shielded in a manner that will prevent the emission of light beyond the billboard sign.

On the motion of Mr. Gambardella, seconded by Mr. Constantine, the Planning Board voted six in favor with Mr. Kiernan opposed, to formally adopt the Planning Department's findings and forward a favorable recommendation to the Warwick City Council for the requested zone change with the stipulation that the lighting shall be shielded in a manner that will prevent the emission of light beyond the billboard sign.

Public Meeting

Request for an Amendment to the City's Zoning Ordinance

Section 605 "Special Use Permits and Variances"

Applicant: City of Warwick
Location: 3275 Post Road
Zoning District: Zoning Ordinance amendment to Section 605 "Special Use Permits and Variances"

SECTION I. Appendix A, Zoning of the Code of Ordinances of the City of Warwick, Section 600 is hereby amended by adding thereto the following section:

605. Special Use Permits and Variances.

All special use permits for uses authorized by Sections 904 and 906.3 (C) of this ordinance that are located in non-residential zoning districts and that do not abut or are contiguous with any residential land use or zoning district may be issued by the Zoning Board of Review in conjunction with a dimensional variance authorized pursuant to Section 906.3 of this ordinance.

If the special use could not exist without the dimensional variance, the Zoning Board of Review shall consider the special use permit and the dimensional variance together to determine if granting the special use is appropriate based on both the special use criteria and the dimensional variance evidentiary standards provided that the dimensional relief shall not exceed a 50 percent deviation from the required dimensional standard.

SECTION II. This Ordinance shall take effect upon passage and publication as prescribed by law.

The Planning Department informed the Planning Board that Councilman Merolla requested that the proposed zone change be withdrawn. Councilman Merolla intends to introduce new language for consideration at a later date.

The Planning Board did not take action on the proposed zoning amendment based on the Councilman's request.

Bond Reduction

Brookwood Estates Subdivision Smile Court

Current bond total	\$79,021.00
Amount to be released	\$68,690.00
Retain	\$10,331.00

On the motion of Mr. Constantine, seconded by Mr. Robinson, the Planning Board voted unanimously to approve the requested bond reduction.

Administrative Subdivisions

The following Administrative was included for informational purposes.

West Shore Court Plat: 319 Lots: 489, 490, And 495

Correspondence

1 Lori Ann LLC. Assessors Plat: 277 Lot: 31 Requesting a workshop with the Planning Board for construction of a 60 unit residential condominium development in a Light Industrial Zoning District (Metro-Center).

The Planning Board discussed the request for a workshop. Peter Ruggiero, City Solicitor, informed the Board that it has not formally adopted a workshop procedure. He explained that should the Planning Board desire to hold workshops that he would suggest that they first create regulations and adopt a formal procedure.

Mr. Ruggiero cautioned the members that once they adopt a workshop procedure that they will not be allowed to pick and choose which projects would be allowed a workshop and that the board would be required to hold workshops upon request.

General discussion among board members followed Mr. Ruggiero's presentation. The general consensus of the members was that the staff was responsible for pre-submission conferences with developers and that workshops may turn into an appeal process should developers not be pleased with the direction of the Planning Staff.

There was no formal action by the Planning Board on the matter.

Airport Road LLC. v. Mark Carruolo, individually, and in his capacity as Planning Director of the City of Warwick: and the City of Warwick.

Based on the fact that the Airport Road LLC. v. Mark Carruolo agenda item involved an active

legal matter the Planning Board voted to enter into executive session.

A motion was made by Mr. Constantine, seconded by Mr. Robinson, followed by a roll call vote to enter into executive session. Mulhearn, Gambardella, Robinson, Constantine, Gerlach, Desmarais and Kiernan all voted affirmatively (7-0) with no dissenters to enter into executive session.

On the motion of Mr. Constantine, seconded by Mr. Robinson, the Planning Board voted unanimously (7-0) to close the executive session.

On the motion of Mr. Gambardella, seconded by Mr. Robinson and Mr. Desmarais, the Planning Board voted unanimously (7-0) to seal the minutes of the executive session noting specifically that no formal votes were taken in the executive session.

Being no further business the meeting was adjourned at 7:30 PM.